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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/720,663

08/06/2001

William M. Ayers

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7590 06/07/2007  
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EXAMINER

MAYEKAR, KISHOR

ART UNIT

PAPER NUMBER

1753

MAIL DATE

DELIVERY MODE

06/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/720,663	<b>Applicant(s)</b> AYERS, WILLIAM M.	
	<b>Examiner</b> Kishor Mayekar	<b>Art Unit</b> 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 and 32-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 and 32-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. Claims 11-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moisan et al. (US 6,224,836) in view of Mutterer, Jr. et al. (US 6,258,329), for reasons as of record. As to the added limitation "said system is configured to generate said high purity gas containing no more than 100 parts per million of water vapor", since Moisan discloses that his device can be used for the purifying of gaseous effluents (col. 4, lines 15-17) and comprises a dehydration unit (Fig. 6 and col. 7, lines 13-18), Moisan's device is capable of generating the high purity gas as claimed and inherently possesses the added claimed feature. If there is a further difference, it will be in the intended use of the device. However, the manner or method in which such device is to be utilized is not germane to the issue of patentability of the device itself.

2. Claims 32-34, 37-44 and 49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moisan '836 in view of Mutterer '329, Warmbier '886 and/or Lautenschlager '912), for reasons as of record. As to the added limitation "said system is configured to generate said high purity gas containing no more than 100 parts per million of water vapor" in the independent claims 32 and 41, since Moisan discloses that his device can be used for the purifying of gaseous effluents (col. 4, lines 15-17) and comprises a

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dehydration unit (Fig. 6 and col. 7, lines 13-18), Moisan's device is capable of generating the high purity gas as claimed and inherently possesses the added claimed feature. If there is a further difference, it will be in the intended use of the device. However, the manner or method in which such device is to be utilized is not germane to the issue of patentability of the device itself.

3. Claims 35 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moisan '836 in view of Mutterer '329, Warmbier '886 and/or Lautenschlager '912 as applied to claims 32-34, 37-44 and 49 above, and further in view of Ayers (US 5,158,656), for reasons as of record.

4. Claims 47 and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moisan '836 in view of Mutterer '329, Warmbier '886 and/or Lautenschlager '912 as applied to claims 32-34, 37-44 and 49 above, and further in view of WO 95/11750), for reasons as of record.

5. Claim 48 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Moisan '836 in view of Mutterer '329, Warmbier '886 and/or Lautenschlager '912 as applied to claims 32-34, 37-44 and 49 above, and further in view of Easley et al. (US 3,889,182), for reasons as of record.

*Response to Arguments*

6. Applicant's arguments filed 27 March 2007 have been fully considered but they are not persuasive because of Moisan teaches the added claimed feature as set forth in the paragraphs above.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

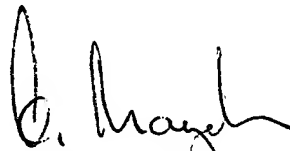
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kishor Mayekar  
Primary Examiner  
Art Unit 1753